

Notice of Allowability

Application No.

10/647,309

Examiner

Thomas A. Morrison

Applicant(s)

HIDAKA ET AL.

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's RCE filed on 7/3/2006.
2. ☒ The allowed claim(s) is/are 1,3-12,15-25 and 27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Election/Restrictions

1. Claims 1, 3-12, 15-25 and 27 are allowable. The restriction requirement directed to Figs. 12, 13, 14, 15, 16A, 17A, 18A and 18B, 19A and 19B, and the sheet conveying apparatus including three detecting devices, as set forth in the Office action mailed on 04/07/2005, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 5-7, 10-12, 16-18 and 21, directed to the species other than the species shown in Fig. 12 are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claims 13-14 and 26, directed to the sheet conveying apparatus including three detecting devices are withdrawn from consideration because claims 13-14 and 26 do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Edward Tracy (Reg. No. 47,998) on 09/15/2006.

IN THE CLAIMS:

Claims 13, 14 and 26 have been canceled.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

U.S. Patent No. 5,419,547 (Jeong) is the closest prior art reference of record to independent claims 1, 4, 15, 24, 25 and 27 in applicant's amendment dated 06/02/2006 of the instant application.

With regard to the independent claims 1 and 24, the Jeong patent **fails** to disclose or suggest the claimed combination including first and second detecting devices and a control device that operates, as claimed. In particular, Jeong **fails** to disclose or suggest the claimed combination including a first detecting device/means to detect a sheet fed by a sheet feeding device/means to a first detection position located downstream of the sheet feeding device/means in a sheet feeding direction; a second detecting device/means to detect the sheet fed by the sheet feeding device/means to a second detection position located downstream of the first detecting device/means in the sheet feeding direction, and a control device/means that determines if the sheet slipped based on a lapse of time from when a drive device/means is driven to when the first detecting device/means detects the sheet.

With regard to the independent claims 4, 15, 25 and 27, the Jeong patent **fails** to disclose or suggest the claimed combination including the arrangement of first and second detecting devices, as claimed. In particular, Jeong **fails** to disclose or suggest the claimed combination including a first detecting device/means provided between a sheet feeding device/means and a sheet conveying device/means to detect a sheet/original document fed by a sheet feeding device/means; and a second detecting

device/means provided downstream of the first detecting device/means in a sheet/original document feeding direction between the sheet feeding device/means and the sheet conveying device/means to detect the sheet/original document fed by the sheet feeding device/means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/647,309

Page 6

Art Unit: 3653

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/17/2006



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